

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

GENE COGGINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 3:09-CV-65-WKW
	)	
TOWN OF JACKSON'S GAP,	)	
	)	
Defendant.	)	

**ORDER**

On March 9, 2009, the Magistrate Judge filed a Recommendation (Doc. # 17) that this action be dismissed for Plaintiff Gene Coggins' (Mr. Coggins) failure to pay a filing fee. On March 16, 2009, Mr. Coggins filed a Motion to Dismiss Order and Recommendations (Doc. # 18), which the court construes as containing both an objection to the Order (Doc. # 17) denying Plaintiff's Motion to Clarify IFP Hearing Date (Doc. # 15) and the Recommendation (Doc. # 17) that this case be dismissed. The court construes Mr. Coggins' objection to the Order (Doc. # 17) as a renewed objection to the underlying Order (Doc. # 14) denying his Motion for Leave to Proceed *in forma pauperis* (Doc. # 2).<sup>1</sup>

Having conducted an independent and *de novo* review of the Order (Doc. # 17) denying Mr. Coggins' Motion to Clarify, and those portions of the Recommendation to which objection is made, *see* 28 U.S.C. § 636(b)(1)(C), the court finds that Mr. Coggins'

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<sup>1</sup> Out of an abundance of caution, this court construes Mr. Coggins' Motion to Clarify (Doc. # 15) as the original objection to the Magistrate Judge's Order (Doc. # 14).

objections are without merit; Mr. Coggins had notice (Doc. # 6) that failure to appear at the *in forma pauperis* hearing may result in denial of his Motion to proceed *in forma pauperis* (Doc. # 12) and his Motion to Dismiss (Doc. # 18) raises no issues which were unaddressed by the Recommendation.

For these reasons, it is ORDERED that the Mr. Coggins' objections to the Order (Doc. # 14) denying his Motion (Doc. # 12) and to the Recommendation (Doc. # 17) are OVERRULED, the Recommendation of the Magistrate Judge is ADOPTED and this case is due to be DISMISSED with prejudice.

An appropriate judgment will be entered.

DONE this 17th day of March, 2009.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE